

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Dominic Javon Gilbert,

Plaintiff,

V.

Dana Aiken, *Medical Supervisor,
Mediko Correctional Healthcare, in
her individual and official capacity;*
Victoria Albergottie; Quandara Grant.

Defendants.

Case No. 6:23-cv-05256-JDA

OPINION AND ORDER

This matter is before the Court on motions for summary judgment filed by Defendants Dana Aiken and Victoria Albergottie [Doc. 90] and Defendant Quandara Grant [Doc. 98]. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings.

On June 4, 2025, the Magistrate Judge issued a Report and Recommendation (“Report”) recommending that Grant be dismissed from this action for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b), and that her motion for summary judgment be found as moot. [Doc. 111.] On June 23, 2025, the Magistrate Judge issued a Report recommending that the motion for summary judgment filed by Defendants Aiken and Albergottie be granted. [Doc. 113.] The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Reports and the serious consequences if they failed to do so. [Docs. 111 at 4; 113 at 13.] Plaintiff has not filed objections to either Report and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Reports of the Magistrate Judge for clear error. Having done so, the Court accepts the Reports and Recommendations of the Magistrate Judge and incorporates them by reference. Accordingly, Defendant Grant is DISMISSED with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, Grant’s motion for summary judgment [Doc. 98] is FOUND AS MOOT, and Defendants Aiken and Albercottie’s motion for summary judgment [Doc. 90] is GRANTED.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

July 21, 2025
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.